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SUBJECT: UNSC/BURMA: U.S. TABLES BURMA RESOLUTION

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Classified By: USUN Deputy Political Counselor Molly Phee, reasons 1.4
b,d.

¶1. (C) Summary: The U.S. formally tabled the draft resolution on Burma (reftel) in the Security Council on January 9, citing the need to empower the Secretary-General and his envoy to encourage the Burmese regime to take the concrete steps needed to address the international community's concerns. In response, China, joined by those who had voted against putting Burma on the Council agenda in September 2005 (Russia, Qatar, and Congo) and new Council members Indonesia and South Africa, expressed strong opposition to any Council action on Burma, arguing that the issue did not fall within the Council's mandate and that a resolution would undermine the Secretary-General's Good Offices mission because of the regime's opposition to a Council role.

¶2. (C) The European members (Belgium, Italy, France, Slovakia and UK), and Ghana rejected those arguments and spoke in favor of a resolution. The two Latin members, Peru and Panama, noted their serious concern about the situation on the ground but said that they did not yet have instructions on the text. USUN will chair expert-level consultations on the draft on Wednesday, January 10, and will work towards a vote in the Council on Friday.

U.S. tables Burma resolution

¶3. (U) Amb Wolff tabled the U.S. draft resolution on Burma in the Security Council during consultations on the afternoon of January 9. He noted that the issue has been on the Council's agenda since last September, and that in November, U/SYG Gambari asked the Council for a strong signal of support for the Secretary-General's Good Offices mission. The purpose of the draft resolution is to strengthen the hand of the Secretary-General and his envoy in their engagement with the

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leadership in Myanmar. Ambassador Wolff announced that the U.S. would host expert-level negotiations on the morning of Wednesday, January 10.

¶4. (C) The Chinese DPR took the floor next to express "resolute opposition" to an UNSCR, prompting all other delegations to express their views (rather than wait for expert-level discussions on text). While all agreed that the situation in Burma merited the attention of the international community, there were deep differences about whether or not the issue falls within the Security Council's charter mandate to address "threats to international peace and security." Seven delegations explicitly supported passage of a resolution (U.S., UK, France, Ghana, Slovakia, Italy and Belgium), though some noted an interest in modifying the tone to ensure the text is "constructive." Six delegations

explicitly opposed the resolution (China, Russia, Qatar, Congo, Indonesia, and South Africa). Peru and Panama did not rule out a resolution and highlighted the grave situation in Burma, but did not offer their explicit support for the resolution. The Peruvian PR stated he was uninstructed, and the Panamanian PR raised questions about what country-specific conditions warranted Council action.

15. (C) Those that oppose Council action argued that: 1) the situation in Burma does not constitute a threat to international peace and security as conceived by the UN Charter, and therefore should be handled in other UN bodies (e.g., the General Assembly, the Human Rights Council); and 2) if the Council were to pass a resolution, it would do more harm than good to UN engagement. (The discussion about what constitutes a threat meriting Council action was amplified by a public debate of the Security Council on the subject held January 8, which included the participation of the new Secretary-General Ban Ki-moon.) Indonesia and China argued

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that the situation in Burma did not pose a threat to the region, and others opposed to Council action often cited the views of these "neighbors" as well as ASEAN as strongly influencing their position.

Is Burma a threat to
international peace and security?

16. (C) The Chinese DPR noted Myanmar had been a controversial issue for the Council from the start and emphasized China's "resolute opposition" to a resolution. China acknowledged that the situation in Myanmar "has its problems," but argued the issue is "entirely a domestic affair." He insisted that ASEAN countries, in particular Myanmar's neighbors, did not consider Myanmar a threat to peace and security. Indonesian

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PR Jenie said that the situation in Myanmar "does not warrant" the attention of the Council at this stage, and discussed Indonesia's bilateral and regional efforts. South African PR Kumalo said that Myanmar does not meet the "fundamental test" of the mandate of the Security Council, and should be addressed by the Human Rights Council. Qatar, Russia and Congo echoed these sentiments, and said the Council should seriously consider the views of neighbors in determining whether a situation within a country represented a threat beyond its borders. Russian PR Churkin said that the views of neighbors should "dominate." (Note: South Africa's Kumalo acknowledged that some might argue that Pretoria's current stance was at odds with the pre-1994 call for Council action against the apartheid regime. Not so, said Kumalo, the issue with the apartheid regime was that it was a "menace to its neighbors.")

17. (C) Supporters of Council action noted that the Council had long recognized that intra-state conflicts represent a threat to international peace and security. Ghanaian PR Effah-Apenteng remarked that the Council had - just the day before - held an open debate on the definition of what constituted a threat to international peace and security where all emphasized the "broad conceptual understanding of contemporary threats." He said where do we draw the line is valuable question, but that Ghana supported a broad definition of security. Others supportive of the text repeated this argument, and noted that the Council had already agreed to put the issue on its agenda. UK, Ghana and others argued that there was no "exclusivity" within the UN. More than one UN organ could - and should - take up these vital issues. "Darfur is on the Human Rights Council's agenda," said Effah-Apenteng, "Does that mean we should not discuss it here?"

Do more harm than good?

¶18. (C) Opponents further argued that action by the Council would negatively affect the international community's ability to influence positively the Burmese regime and would specifically undermine the SYG's good offices mandate. The Chinese DPR reported that the Burmese regime is "firmly against the involvement of the Security Council." Indonesian PR Jenie expressed Jakarta's fear that an UNSCR would "push authorities to shy away from the international community and its neighbors." He also noted that pursuing a resolution would "divide the Council" (i.e. a U.S.-China confrontation) and send the wrong signal to the Burmese regime. South African PR Kumalo went so far as to suggest that Council action in support of the SYG's good offices mission in Burma would actually "compromise" the effectiveness of good offices missions in Africa. Russian PR Churkin said that the Council needed to be sure that its intervention would be beneficial, and this UNSCR "is not a good way to start the new year."

¶19. (C) In response to these arguments, UK PR Jones Parry said that current efforts to engage the Burmese Government - including by the neighbors, the EU and other UN bodies - are clearly not working. He and others noted that U/SYG Gambari himself had asked for Council support the last time he briefed the body (in November).

Peru and Panama leaning in the right direction...
...but not yet committed

¶10. (C) Peruvian PR Voto-Bernales noted that Peru had voted to include the situation in Burma on the Council's agenda. The situation of "ongoing violence" has "military implications against minority groups" and the Council has an important role in the prevention of conflicts. "We do not have instructions on this resolution, but we are very concerned."

¶11. (C) Panamanian PR Arias said that there was clearly consensus that the situation in Burma poses a potential threat to peace and security in the region. The question before the Council, he said, was a larger one, whether or not the issue falls within the Council's mandate. On this, there was clearly no agreement among Council members. The question, he said, is "how far before" the situation spills over into the region, should the Council act.

WOLFF